

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MOHAMMAD CHORAZGHIAZAD)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:06-0403
)	Judge Echols
)	
CITY OF MOUNT JULIET et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on a Report and Recommendation (R & R) (Docket Entry No. 20) in which the Magistrate Judge recommends denying Plaintiff's Motion to Remand (Docket Entry No. 7). The R & R was issued on June 9, 2006, and Plaintiff has filed no objections thereto, even though he was informed in the R & R that any objections needed to be filed within ten (10) days (Docket Entry No. 20 at 2-3).

Where, as here, no objections are made to the R & R, "[t]he district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." Fed.R.Civ.P. 72(b).

This is an action, originally filed in the Circuit Court for Wilson County Tennessee, in which Plaintiff alleges that his rights as secured by federal and state law were violated by the actions of the Defendants. After the case was removed to this Court, Plaintiff

filed a Motion to Remand which the Magistrate Judge recommends denying. The Magistrate Judge's recommendation will be accepted.

The Complaint filed in state court lists assorted causes of actions. Included are claims that the Defendants conspired to deprive Plaintiff of his rights under the Fourth, Fifth, Eighth, Thirteenth and Fourteenth Amendments to the United States Constitution. Additionally, Plaintiff alleges that Defendants violated his rights under the Equal Protection and Due Process clauses of the United States Constitution in violation of 42 U.S.C. §§ 1983, 1985(2) & (3) and 1986. (Complaint, ¶ IV. 1).

The plain language of Plaintiff's Complaint sets forth causes of action over which this Court has original jurisdiction under 28 U.S.C. § 1331 and therefore removal under 28 U.S.C. § 1441 was proper. Accordingly, the R & R (Docket Entry No. 20) is hereby ACCEPTED and Plaintiff's Motion to Remand (Docket Entry No. 7) is hereby DENIED.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE